



Application No.: 09/868,997
Attorney Docket No. 05788.0175-00

PATENT
Customer No. 22,852
Attorney Docket No. 05788.0321-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Ralph Sutehall et al.) Group Art Unit: 2883
Application No.: 10/509,116) Examiner: Kaveh C. Kianni
Filed: September 28, 2004) Confirmation No.: 1098
For: COATED OPTICAL FIBRE UNIT AND)
METHODS OF MANUFACTURING COATED)
OPTICAL FIBRE UNITS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In a restriction requirement dated August 18, 2005, the Examiner required
restriction under 35 U.S.C. §§ 121 and 372 between:

- Group I: Claims 1-10, and 28-29, drawn to an optical fiber unit including sheath having a coating of adherence reducing material particles and a thickness substantially ≤ 0.3 classified in 385/66;
- Group II: Claim 31, drawn to an optical fiber unit for blown fiber installation including a sheath defined by a generally tubular wall having a radially outermost surface and a coating adhered to said radially outermost surface of said wall classified in 385/109; and
- Group III: Claims 11-27, 30, and 32-34, drawn to a method of coating including the step of applying a liquid coating comprising a dispersion of adherence reducing material particles to a polymeric sheath and applying heat to the optical fiber to produce a dry coating of said particles on the polymeric sheath classified in 385/49.

The restriction requirement is respectfully traversed. To be fully responsive to the restriction requirement, however, Applicants elect, with traverse, to prosecute Group I, claims 1-10, and 28-29

Applicants traverse the restriction requirement on the grounds that the Examiner has not met his burden to justify a restriction requirement. Specifically, while the Examiner has argued that the two inventions are unrelated, nowhere has the Examiner asserted that there is a serious burden in examining all of the claims at once. *Applied Materials Inc. v. Advanced Semiconductor Materials*, 40 U.S.P.Q.2d 1481, 1492 (Fed. Cir. 1996). In fact, "[i]f the search and examination of an entire application can be made without serious burden, the examiner **must** examine it on the merits, even though it includes claims to independent or distinct inventions." M.P.E.P. § 803 (emphasis added). Accordingly, the restriction is improper at least to the extent that the Examiner merely asserts that the inventions are unrelated.

In view of the foregoing remarks, Applicants respectfully submit that the restriction requirement is in error and request that the requirement be withdrawn. Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 19, 2005

By: 
Anthony Hartmann
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